FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 4728 OF 2004.
IN.
CRIMINAL APPEAL NO. 1283 OF 2004

Hamid Abdul Rehman Shaikh. .. Applicant.
vs.
The State of Maharashtra . .. Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri Prakash Naik for the applicant

Shri D.P.Adsule, A.P.P. for the State.

CORAM: V.M. KANADE,J.

DATED: 24.1.2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicant and the learned A.P.P. for the State.

2. The applicant is convicted by the trial Court for having committed an offence punishable under section 489-C of the Indian Penal Code. The trial Court acquitted the applicant of the offences punishable under section 489-B of the

I.P.C. The prosecution case in brief is that the applicant was found to be in possession of 20 counterfeit currency notes of Rs. 500/- each.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant was on bail during trial. He has not misused the bail which was granted to him. Applicant has already undergone 14 months of sentence during pendency of the trial before he was released on bail. He submitted that the offence punishable under section 489-C is a bailable offence. He, therefore, submits that he be released on bail.

4. Learned A.P.P. for the State has filed affidavit-in-reply in which it stated that there was conspiracy between the applicant and other accused. He submitted that accused No.6 was constantly in touch with the applicant and others on mobile phone. He also brought to my notice other circumstances. Learned Counsel appearing for the applicant in reply has stated that all the circumstances mentioned in the

affidavit-in-reply have been disbelieved by the trial Court and theory of conspiracy has not been proved.

4. In view of the fact that the offence under section 489-C of the I.P.C. is a bailable offence and that the applicant was on bail during trial and he is acquitted of the offence under section 489-B of the I.P.C., in my view, this is a fit case to grant bail to the applicant.

5. Applicant be released on bail in the sum of Rs.10,000/- (ten thousand) with one or two sureties in the like amount. Liberty to the State to seek an order under section 390 of the Code of Criminal Procedure if appeal against acquittal is filed against the order of acquittal under section 489-B of the I.P.C. Applicant to report to the concerned officer of the D.C.B., C.I.D., Mumbai, once in a month.